



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, April 16, 2008

**9:00 a.m.
City Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **April 16, 2008**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **H08-013**. Site Development Permit to construct an 165 square foot addition to an existing two-family residence on a 0.15 gross acre site in the R-2 Two-Family Residence Zoning District, located at 757 & 759 North 16th Street (Jerry Haug, Owner). Council District: 3. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- b. **TR08-059**. Tree Removal Permit to allow the removal of one Raywood Ash tree, approximately 61-inches in circumference on a 0.17 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1047 Belder Drive (Harold A. and Ofelia C Careway Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Suparna Saha
- c. **TR08-069**. Live Tree Removal Permit to remove one Coast Live Oak (Quercus agrifolia) tree, approximately 85 inches in circumference, from the rear yard of an existing single family residence in the R-1-8 Single-Family Residence Zoning District, located at 1884 Dry Creek Road (Fuller Ella M Trustee, Owner). Council District 9. CEQA: Exempt.
Project Manager, Misty Mersich
- d. **TR08-057**. Tree Removal Permit to remove one Eucalyptus tree 86 inches in circumference, and one Joshua tree 96 inches in circumference from the rear yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 2741 Quinto Way San Jose, CA (Crotty Daniel G And Linda B Trustee, Owner). Council District 9. CEQA: Exempt.
Project Manager, Misty Mersich
- e. **TR08-066**. Tree Removal Permit to remove one Silver Maple (Acer saccharinum) tree, approximately 78 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 5054 Betlo Court (Lloyd John M And Betty L Trustee, Owner). Council District 1. CEQA: Exempt.
Project Manager, Misty Mersich

- f. [TR08-067](#). Tree Removal Permit to remove one Elm tree, approximately 67 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 2388 West Hedding Street (Scott Heidi, Owner). Council District 6. CEQA: Exempt.
Project Manager, Misty Mersich
- g. [SP08-016](#). Special Use Permit to construct an 82 square-foot addition to an existing legal non-conforming two-family residence on a 0.17 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 997 & 999 Schiele Avenue (Jack Allarding, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- h. [TR08-091](#). Tree Removal Permit request to remove two Ailanthus (Tree of Heaven) trees, approximately 98 inches in circumference each, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 342 S. 15th Street (Thomas & Barbara Norvell, Owner). Council District: 3. CEQA: Exempt.
Project Manager, Avril Baty
- i. [SP08-017](#). Special Use Permit to allow addition of 492 square feet for the existing legal non-confirming residential unit on a 0.12 gross acre site in the CO Office Commercial Zoning District, located at 1894 Story Road (Raul Villegas, Owner). Council District: 5. SNI: East Valley/680 Communities. CEQA: Exempt.
Project Manager, Avril Baty
- j. [PDA07-053-02](#). Planned Development Permit Amendment to allow the reconfiguration of interior condo spaces to allow an increase from 60 to 70 units, the removal of three Olive Trees and one Alder Tree, minor exterior alterations, and amendments to the site plan to incorporate additional site amenities on a 6.6 gross acre site, in the LI(PD) Planned Development Zoning District, located on the northwest corner of the intersection of Charcot Ave and Junction Ave. (521 CHARCOT AV) (Club Auto Sport-Silicon Vly,Llc, Owner). Council District 4. CEQA: Exempt.
Project Manager, Chris Burton
- k. [PD07-069](#). Planned Development Permit request to construct a 2,000 square foot commercial/office building on a 0.16 gross acre lot in the A(PD) Planned Development Zoning District located on the south side of Hamilton Avenue approximately 100 feet westerly of Birch Street (1706 Hamilton Avenue) (Alfred R. Bergmann, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Sanhita Mallick
- l. [H07-049](#). Site Development Permit request for exterior modification to an existing 28,475 square foot commercial building and development of a .12 acre new parking area on a 0.96 gross acre site in the CG General Commercial Zoning District located on the northwest side of Alum Rock Avenue and Eastgate Avenue (1751 Alum Rock Avenue) (Leung Yee Entpr Inc, Owner). Council District 5. SNI: Gateway East. CEQA: Exempt.
Deferred from 3/12/2008.
Project Manager, Sanhita Mallick

m. The projects being considered are located at/on north side of Park Avenue approximately 450 feet easterly of Sunol Street (777 PARK AV), in the A(PD) Planned Development Zoning District (PARK AVENUE LOFTS LLC, Owner; AGI Capital, Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

- 1) **PDA05-057-01**. Planned Development Permit Amendment to allow removal of commercial component and to allow an increase in number of units from approved 122 units with permit # PD05-057 to 125 units as allowed under the approved development standards in the Planned Development Zoning on 2.17 gross acre site
Project Manager, Martina Davis
- 2) **PT08-015**. Planned Development Tentative Map to allow 125 condominium units for residential uses on a 2.17 gross acres site.
Project Manager, Martina Davis

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **PDA89-033-05**. Planned Development Permit Amendment to allow 2-day outdoor event, July 12th and 13th 2008, from 12:00pm to 10:00pm at an existing brewing company compound on a 2.7 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of East Taylor Street and North 9th Street (357 E TAYLOR ST) (CP Associates, Owner). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Chris Burton
- b. The projects being considered are located on the southwest corner of the intersection of Airport Parkway and Old Bayshore Highway (50 Airport Parkway), in the A(PD) Planned Development Zoning District (FOSTER AIRPORT PKWY LP, Owner). Council District 3. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto.
 - 1) **PD07-043**. Planned Development Permit to construct 528 single-family attached residences and 10,160 square feet of commercial space on a 6.08 gross acres site.
Project Manager, Chris Burton
 - 2) **PT07-082**. Vesting Planned Tentative Map to reconfigure one parcel into one lot for 528 condominium units on a 6.08 gross acre site.
Project Manager, Chris Burton

This concludes the Planning Director's Hearing for April 16, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.